

REMARKS

Claims 19-22, 24-30 and 32-35 are all the claims pending in the application. By this Amendment, Applicant amends claims 19, 21, 25, and 34 to further clarify the invention and cancels claims 22 and 30 without prejudice or disclaimer.

I. Summary of the Office Action

Claims 34 and 35 are rejected under 35 U.S.C. § 112, first and second paragraphs. The Examiner has maintained the previous prior art rejections and rejected some of the new claims using the same prior art rejections.

In particular, claims 19, 20, 22, 24-26, 28, 30, and 32-34 presently stand rejected under 35 U.S.C. § 102(e) and claims 21, 27, 29, and 35 are rejected under 35 U.S.C. 103(a). Claims 19-22, 24-30 and 32 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting rejection.

II. Claim Rejections under 35 U.S.C. § 112

Claims 34 and 35 are rejected under 35 U.S.C. § 112, first and second paragraphs. Specifically, the Examiner contends that claim 34 is inconsistent with the assets set forth in claim 19. Applicant respectfully requests the Examiner to withdraw these grounds of rejection in view of the self-explanatory claim amendments being made herein. Applicant further respectfully notes that the unique features of claims 34 and 35 are supported at least on page 17, second and third paragraphs of the specification.

III. Claim Rejections under 35 U.S.C. § 102

Claims 19, 20, 22, 24-26, 28, and 30 and 32-34 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. 6,564,263 to Bergman (hereinafter “Bergman”). Applicant

respectfully traverses these grounds of rejection at least in view of the following exemplary comments.

Independent claims 19 and 25 *inter alia* and in some variation recite: check whether a single asset element for display comprises one or more audio data and one or more photo data...display the one or more audio data together with the one or more photo data, using the extracted reference information, based on a metadata including time information indicating time during which each piece of the photo data is displayed while the audio data is being provided, wherein the reference information refers to an identification information to identify the asset.

The Examiner contends that Bergman discloses each and every feature of claims 1 and 25. Specifically, in response to Applicant's arguments, the Examiner contends that an object is multimedia data that may include text, video, image, and audio and that the objects are generated using intra-object relationships (*see* pages 3-4 and pages 10-11 of the Office Action).

Bergman, however, discloses aggregation of multimedia objects. That is, in Bergman, each multimedia object comprises one of video, images, audio, text and so on (col. 6, lines 15 to col. 67). In other words, Bergman is no different from the conventional techniques in that it discloses a complex system having various conventional multimedia objects and various description frameworks which define interrelationship between these objects. In short, Bergman does not disclose or suggest that the object would include both types of data. Although Bergman discloses a data structure of composite objects, there is no disclosure or suggestion of a single element having two types of data with metadata for coordinating parts of this element.

Therefore, "a single asset element for display comprises one or more audio data and one or more photo data...display the one or more audio data together with the one or more photo data, using the extracted reference information, based on a metadata including time information

indicating time during which each piece of the photo data is displayed while the audio data is being provided, wherein the reference information refers to an identification information to identify the asset,” as set forth in claims 19 and 25. For at least these exemplary reasons, claims 19 and 25 are patentably distinguishable from Bergman. Applicant respectfully requests that the Examiner withdraw this rejection. Claims 20, 23, 24, 26, 28, 31, and 32 are patentable at least by virtue of their dependency on claim 19 or 25.

IV. Claim Rejections under 35 U.S.C. § 103

Claim 29 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergman, claims 21 and 27 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergman in view of Applicant’s Admitted Prior Art (hereinafter “APA”), and claim 35 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Bergman in view of U.S. Patent Publication No. 2003/0222899 to Alvesale (hereinafter “Alvesale”). Applicant respectfully traverses these grounds of rejections at least in view of the following exemplary comments.

Claims 21, 27, 29, and 35 depend on claim 19 or 25. It was already demonstrated that Bergman does not meet all the requirements of independent claims 19 and 25. The APA and Alvesale do not compensate for the above-identified deficiencies of Bergman. Together, the combined teachings of the APA, Alvesale, and Bergman would not have (and could not have) led the artisan of ordinary skill to have achieved the subject matter of claims 19 and 25. Since claims 21, 27, 29, and 35 depend on claims 19 and 25, they are patentable at least by virtue of their dependency.

In addition, claim 21 *inter alia* recites: “wherein the markup language is described according to a MusicPhotoVideo (MPV) format and wherein the multimedia data is in a form of MPV format.” The Examiner acknowledges that Bergman does not disclose or suggest MPV set

forth in claim 21 but alleges that Bergman discloses MPEG-7 format. The Examiner further alleges that the APA cures this deficiency of Bergman and that one of ordinary skill in the art would have readily substituted between two similar, known formats (*see* page 6 of the Office Action). Applicant respectfully submits that this position is technically inaccurate.

It is noted that different protocols have different formats, structures, and elements. Accordingly, mere substitution is technically impossible. For example, Bergman discloses applying the InfoPyramid structure to the MPEG-7 data (col. 9, lines 38 to 54). This InfoPyramid structure of Bergman is unworkable with MPV format that supports many different types of multimedia data including MPEG. In other words, it is noted that a structure specifically designed for MPEG-7 data would not and could not be applied to MPV data at least because it fails to account for the differences in structural elements. The proposed combination is unworkable.

For at least these additional exemplary reasons, claim 21 is patentable over Bergman in view of APA.

Dependent claim 35 *inter alia* recites: “wherein a user defines duration and type of transition between the asset and next asset.” The Examiner acknowledges that Bergman does not disclose or suggest the above-quoted unique features of claim 35. The Examiner, however, alleges that Alvesale in ¶ 27 cures the above-identified deficiencies of Bergman (*see* page 6 of the Office Action). Applicant respectfully disagrees.

¶ 27 of Alvesale discloses that “[i]f the multimedia terminal is a high capacity terminal, optional features may be added in the templates and/or the applet. For example, the durations of the template components may be adjustable--the user can define the duration of each component. It may also be possible to add transitions between pictures (such as barn doors transition).”

Furthermore it may be possible to show a preliminary presentation of the multimedia show under construction. The number of options depends on the capacity of the terminal, and the applet/template design” (emphasis added).

As is visible from the above-quoted passage, Alvesale only discloses adding a transition and fails to disclose or even remotely suggest the user defining type and duration of the transition. For at least these additional exemplary reasons, claim 35 is patentable over Bergman in view of Alvesale.

V. Double Patenting Rejections

Claims 19-22, 24-30, and 32 are provisionally rejected on the ground of nonsatutory obviousness-type double patenting as being unpatentable over a) claims 6-10 and 12-18 of copending Application No. 11/415,096, b) over claims 16-20 and 24-30 of copending Application No. 10/948,316, c) over claims 28, 30-34, and 36-42 of copending Application No. 10/949,474, and d) over claims 18-22 and 25-31 of copending Application No. 10/949,253. Since these copending applications are still in process of being prosecuted, Applicant respectfully requests that the Examiner hold these rejections in abeyance.

VI. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly invited to contact the undersigned attorney at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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